

United States District Court
Southern District of Texas
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

APR 05 2012

David J. Bradley, Clerk of Court

Encore Trust (A Division of Encore Bank,
Houston, Texas) (Formerly National
Fiduciary Services, N.A.), Co-trustee
of the John C. Snodgrass Family Trust
for the Benefit of Frances Carter
Snodgrass Walker and the John C.
Snodgrass Family Trust for the Benefit
of Dorothy Elizabeth Snodgrass Amonette,

Plaintiff,

vs.

Case No. _____

Frances Carter Snodgrass
Walker, Dorothy Elizabeth Snodgrass
Amonette, Evan S. Amonette, Samuel D.
Amonette and Jackson T. Amonette,

Defendants.

NOTICE OF REMOVAL

To the Judge of this Honorable Court

Comes now the undersigned, for and on behalf of Defendants
Frances Carter Snodgrass Walker, Dorothy Elizabeth Snodgrass
Amonette, Evan S. Amonette, Samuel D. Amonette and Jackson T.
Amonette and removes the action filed against them in the Probate
Court No. 2 of Harris County, State of Texas, styled *Encore Trust*
(A Division of Encore Bank, Houston, Texas) (Formerly National
Fiduciary Services, N.A.), Co-trustee of the John C. Snodgrass

Family Trust for the Benefit of Frances Carter Snodgrass Walker and the John C. Snodgrass Family Trust for the Benefit of Dorothy Elizabeth Snodgrass Amonette[, Plaintiff,] vs. Frances Carter Snodgrass Walker, Dorothy Elizabeth Snodgrass Amonette, Evan S. Amonette, Samuel D. Amonette and Jackson T. Amonette [, Defendants]. The case bears N^o 269,422, 401. A copy of the *CO-TRUSTEE'S PETITION FOR DECLARATORY JUDGMENT, APPROVAL OF FINAL ACCOUNT, AND FOR JUDICIAL DISCHARGE* (hereinafter "the Petition"), and the Citations issued are attached and constitute all process, pleading and orders served in the action.

1. The Petition and Citations were served by certified mail.

2. The bases for removal are that this United States District Court has, or would have had original jurisdiction had the case been filed here first by virtue of complete diversity of citizenship among the parties in that every defendant is now and was at the time the action was filed diverse in citizenship from every plaintiff and the amount in dispute exceeds \$75,000.00 as alleged upon the face of the Plaintiffs's complaint. No defendant is or was at the time this suit was commenced a citizen of the State of Texas.

3. The citizenship of all the parties to this case are as follows as alleged in the Plaintiffs's pleadings:

- A. *Encore Trust*, a fictitious name or assumed name for *Encore Bank, National Association*, is the moving party in this proceeding and maintains its principal place of business in Harris County, Texas.
- B. *Frances Carter Snodgrass Walker* resides at Suburban Extended Stay Hotel, 137), 3984 Barrancas Avenue, Pensacola, Florida. She is a resident of, citizen of, and domiciled in the State of Florida.
- C. *Dorithy Elizabeth Snodgrass Amonette* resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. She is a resident of, citizen of, and domiciled in the State of Hawaii.
- D. Evans S. Amonette resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. He is a resident of, citizen of, and domiciled in the State of Hawaii.
- E. Samuel D. Amonette resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. He is a resident of, citizen of, and domiciled in the State of Hawaii.
- F. Jackson T. Amonette resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. He is a resident of, citizen of, and domiciled in the State of Hawaii.

4. The citizenship, residence, domicile, the states of incorporation and principal places of business of the defendants, and each of them, is totally diverse from each and all of the plaintiffs, thus:

- A. *Encore Trust*, an fictitious name or assumed name for *Encore Bank, National Association* is the Co-Trustee of the Trusts and is the moving party in this proceeding and maintains its principal place of business in Harris County, Texas.
- B. *Frances Carter Snodgrass Walker* resides at Suburban Extended Stay Hotel, 137), 3984 Barrancas Avenue, Pensacola, Florida. She is a resident of, citizen of, and domiciled in the State of Florida.
- C. *Dorithy Elizabeth Snodgrass Amonette* resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. She is a resident of, citizen of, and domiciled in the State of Hawaii.
- D. Evans S. Amonette resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. He is a resident of, citizen of, and domiciled in the State of Hawaii.
- E. Samuel D. Amonette resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. He is a resident of, citizen of, and domiciled in the State of Hawaii.

F. Jackson T. Amonette resides at 3185 Wawae Place, Kalaheo, Hawaii 96741. He is a resident of, citizen of, and domiciled in the State of Hawaii. Moreover, none of the defendants maintain a presence within the State of Texas.

5. The amount in controversy in this action exclusive of interest and costs exceeds the sum of \$75,000.00.

6. Removal of this Action is proper under 28 U.S.C. §1441 because it is a civil action brought in state court and of which the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. §1332 because the plaintiffs and defendants are diverse in citizenship.

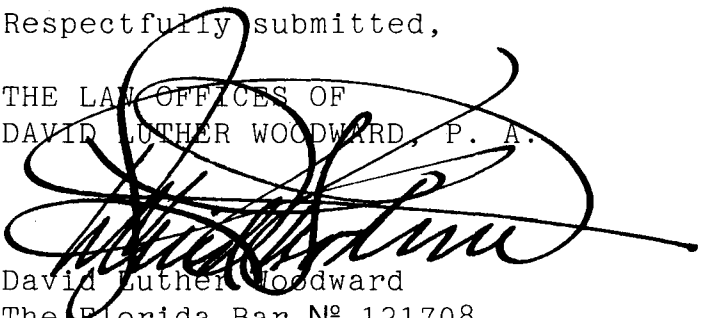
7. Attached hereto as an exhibit and made a part by reference made a part hereof is a copy of the Original Petition along with each of the amendments thereto and the exhibits which are a part thereof filed in the state court proceeding along with a copy of the citations issued by the clerk of that court.

Wherefore, defendants Frances Carter Snodgrass Walker, Dorithy Elizabeth Snodgrass Amonette, Evan S. Amonette, Samuel D. Amonette and Jackson T. Amonette remove this action to the United States District Court for the Southern District of Texas from the Probate Court No. 2 of Harris County, State of

Texas, and pray for such other and further relief as may be just and equitable.

Respectfully submitted,

THE LAW OFFICES OF
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Certificate of Service

I hereby certify that a true and exact copy of the above and foregoing was furnished either by electronic means to those who are appropriate equipped to receive such, and to

Jimmy Walker, Esquire 759-0900
815 Walker Street, Suite 240
Houston, Texas 77002

by regular United States Mail on April 3, 2012.



Of Counsel